

41166-1

Cause No. \_\_\_\_\_

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THE APPELLATE COURT  
OF THE STATE OF WASHINGTON  
DIVISION II

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BY \_\_\_\_\_  
DEPUTY

STATE OF WASHINGTON

10 SEP -3 PM 1:13

FILED  
COURT OF APPEALS  
DIVISION II

In re  
PERSONAL RESTRAINT  
of

Aaron Jay Green

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filed by: Aaron Green, pro se

MCC-MSU # 785636

PO Box 7001

Monroe, WA 98272

PETITIONER MAY FILE THE  
PETITION WITH THE CLERK OF

David B. [Signature]  
COURT CLERK

10/26/00



## **B. GROUNDS FOR RELIEF**

I claim that I have 1 reason(s) for this Court to grant me relief from conviction described in part A.

### **FIRST GROUND**

1. I was sentenced to a "de facto" consecutive "hybrid" sentence in violation of *Smith* and RCW 9.94A.589. If the sentence is not "hybrid", than it is an exceptional sentence and a violation of due process, in violation of *Blakely* and State and Federal statues.

2. The following facts are important when considering my case: The trial Court never looked at the effects of giving a DOSA sentence on one charge and Non-DOSA on the other. Although there was some talk, by the prosecutor of having to terminate DOSA. But nothing happened, other then talk.

3. The following reported Court decisions are relevant to my case:

- State v. Smith, 142 Wn. App. 122,173 P.3d 973 (2007)
- State v. Murray, 128 Wn. App. 718,725,116 P.3d 1072 (2005)
- State v. Skillman, 60 Wn.App. 837,838,809 P.2d 756 (1991)
- State v. Hale, 94 Wn.App. 46,53,971 P.2d 88 (1999)
- State v. Grayson, 130 Wn.App 782,125 P.3d 169 (2005)
- State v. Hughes, 154 Wn.2d 118,110, P.3d 192 (2005)
- In re of Van Delft, 158 Wn.2d 731,147 P.3d 153 (2006)
- Blakely v. Washington, 542 U.S. 296,124 S.ct 2531,159 L.Ed.2d 403 (2004)
- Apprendi v. New Jersey, 530 U.S. 466,120 S.ct 2348,147 L.Ed.2d 435 (2000)
- United States V. Jones, 542 U.S. 227,119 S.ct 1215,143 L.Ed.2d 311 (1999)

4. The following statutes and constitutional provisions should be considered by the Court:

- RCW 9.94A.010
- RCW 9.94A.505
- RCW 9.94A.589
- RCW 9.94A.660
- RCW 9.94A.715
- RCW 9.94A.728
- United States Fourteenth Amendment
- Washington State Sentencing Reform Act

5. This petition is the best way to get the relief I want and no other way will work as well because: I believe that an error that affects my liberty has occurred during my sentencing.

A PRP is a remedy available to me to fix this illegal sentence.

### **C. Statement of Finances**

1. I ask the Court to file this without making pay the filing fee because I am so poor I cannot afford to pay the fee.

2. I have \$5.00 in my prison account.

3. I ask the Court to appoint a lawyer for me because I am so poor I cannot afford a lawyer.

4. I am employed. My wages amount to \$33.00 a month. My employer is: Department of Corrections-Inmate Kitchen

5. During the past 12-months I did not get any money from a business, profession or other form of self-employment.

6. During the past 12-months, I:

- Did not get any of the following: Rent, Interest or Cash nor do I own and Stock or Bonds or have any bank accounts.

I do not own any Real Estate or other Property of Value

7. I am not currently married.

8. All of the persons who need me to support them are listed here:

- Bailey Green, 2701 N.E. 282<sup>nd</sup> Ave, Camas, WA 98607, Age-7, Daughter
- Jasmine Green, 8201 W. Shelton-Matlock Rd, Shelton, WA 98584, Age-2, Daughter
- Brooklyn Green, 8201 W. Shelton-Matlock Rd, Shelton, WA 98584, Age-1, Daughter
- Cody Clary, 8201 W. Shelton-Matlock Rd, Shelton, WA 98584, Age-9, Step-Son

All the bills I owe are listed here:

Amount:

- |   |               |
|---|---------------|
| • Alliance One, Po Box 2449, Gig Harbor, WA 98335             | \$551.80      |
| • Dynamic Collectors, 790 S. Market Blvd, Chehalis, WA 98532  | \$12,000 plus |
| • Clark County, Po Box 5000, Vancouver, WA 98666              | \$35,000 plus |
| • Thurston County, 2000 Lakeridge Dr. S.W., Olympia, WA 98502 | \$2,500.00    |
| • WA State Child Support, unknown,                            | \$600.00      |

#### **D. REQUEST FOR RELIEF**

I want this Court to vacate my sentence and remand for re-sentencing, to appoint counsel and order that the trial Court with all due diligence, review the sentencing options, available to the Court (i.e. PSI, DOSA, FOSA, Downward Departure etc.)

E. OATH OF PETITIONER

THE STATE OF WASHINGTON,

) SS

COUNTY OF SNOHOMISH.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 1<sup>st</sup> day of September, 2010.

Aaron Green

Aaron J. Green, Petitioner

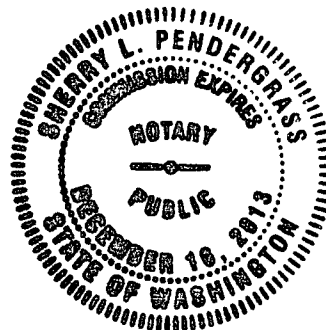
SUBSCRIBED AND SWORN to before me this 1 day of September, 2010.

[Signature]

Notary Public in and for the State of Washington,

Residing at Monroe, Washington.  
Snohomish County

My Commission Expires: 12-16-2013



08/02/2010  
JGTHOMPSON

DEPARTMENT OF CORRECTIONS  
WASHINGTON STATE REFORMATORY

Page 1 of 1  
OIRPLRAR  
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 02/01/2010 TO 07/31/2010

DOC : 0000785636 NAME : GREEN AARON  
DOB : 02/23/1980

ADMIT DATE :01/24/2003  
ADMIT TIME :00:00

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
82.84	16.57	6.19	1.24

# ATTACHMENT # 1



D-14

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

'09 NOV 13

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON**

STATE OF WASHINGTON,	Plaintiff,	No. 09-1-01372-5  <b>FELONY JUDGMENT AND SENTENCE (FJS)</b>  Prison (non-sex offense)
vs.		
<u>AARON JAY GREEN,</u>	Defendant.	
SID: WA18694872 If no SID, use DOB: 02/23/1980 PCN: 767007795 BOOKING NO. C0158985		

**I. HEARING**

1.1 A sentencing hearing was held on **NOVEMBER 13, 2009** and the defendant, the defendant's lawyer and the deputy prosecuting attorney were present.

**II. FINDINGS**

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on **NOVEMBER 13, 2009**  
by ☒ plea ☐ jury-verdict ☐ bench trial of

COUNT	CRIME	RCW	DATE OF CRIME
I	FELONY VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE	26.50.110(5), 10.99.020, 10.99.050	AUGUST 11, 2009

as charged in the FIRST AMENDED information.

- ☐ Additional current offenses are attached in Appendix 2.1.
- ☐ The court finds that the defendant is subject to sentencing under **RCW 9.94A.712**.
- ☐ A special verdict/finding for use of **firearm** was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for use of **deadly weapon other than a firearm** was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

COPY TO SUPERIOR

- ☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- ☐ The defendant was convicted of **vehicular homicide** which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- ☐ This case involves **kidnapping** in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the offender has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.
- ☒ **The crime charged in Count(s) 1 involve(s) domestic violence.**
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):
- None of the current offenses constitute same criminal conduct except: \_\_\_\_\_

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	CRIME DATE	SENTENCE DATE	COURT OF SENTENCE	ADULT or JUVENILE	CRIME TYPE
Malicious Mischief 2 <sup>nd</sup> Degree	08/24/97	11/04/97	Clark Co., WA	Juvenile	NV
Malicious Mischief 2 <sup>nd</sup> Degree	06/24/98	08/17/98	Clark Co., WA	Adult	NV
Theft 1 <sup>st</sup> Degree	12/26/00	03/19/01	Clark Co., WA	Adult	NV
UPOCS – Methamphetamine	04/08/02	01/17/03	Clark Co., WA	Adult	NV
Bail Jumping	08/23/02	01/17/03	Clark Co., WA	Adult	NV
Possession of Stolen Property 2 <sup>nd</sup> Degree	09/28/04	09/28/04	Clark Co., WA	Adult	NV
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Assault 3 <sup>rd</sup> Degree	12/07/08	2/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	03/18/09	08/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	04/19/09	08/11/09	Thurston Co., WA	Adult	DV
Domestic Violence Court Order Violation	04/21/09	08/11/09	Thurston Co., WA	Adult	DV

- ☐ Additional criminal history is attached in Appendix 2.2.
- ☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- ☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:
- None of the prior convictions constitutes same criminal conduct except \_\_\_\_\_

### 2.3 SENTENCING DATA:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENTS*	TOTAL STANDARD RANGE	MAXIMUM TERM
I	9	II	60 mos.	11a	60 mos.	60 mos.

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, see RCW 46.61.520, (JP) Juvenile present. [ ] Additional current offense sentencing data is attached in Appendix 2.3.

- 2.4 ☒ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:  
 [ ] within ☒ below the standard range for Count(s) I by running sentence 7  
 [ ] above the standard range for Count(s) concurrent WPO9-1-00995 below  
☒ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence ~~above~~ the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.  
 [ ] Aggravating factors were [ ] stipulated by the defendant, [ ] found by the court after the defendant waived jury trial, [ ] found by jury by special interrogatory.  
 Findings of fact and conclusions of law are attached in Appendix 2.4. [ ] Jury's special interrogatory is attached. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

- 2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.  
 [ ] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):  
 \_\_\_\_\_

- 2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are [ ] attached [ ] as follows: \_\_\_\_\_

### III. JUDGMENT

- 3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.  
 3.2 [ ] The court DISMISSES Counts \_\_\_\_\_ [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_

### IV. SENTENCE AND ORDER

IT IS ORDERED:

- 4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: \_\_\_\_\_

RTN/RJN

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV

\$ 500.00 Victim assessment RCW 7.68.035

\$ 100.00 Domestic Violence assessment RCW 10.99.080

CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ \_\_\_\_\_ FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

PUB \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760

WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/PCD \$ \_\_\_\_\_ Drug enforcement fund of Thurston County RCW 9.94A.760

NTF/SAD/SDI \$ \_\_\_\_\_ Thurston County Drug Court Fee

CLF \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ \_\_\_\_\_ Other costs for: \_\_\_\_\_

\$ 400.00 TOTAL RCW 9.94A.760

The above total may not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing may be set by the prosecutor or is scheduled for \_\_\_\_\_.

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

RJN

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_. RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

[ ] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: (JLR) RCW 9.94A.760.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☐ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with Amber D. Beasley (12/04/78) (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence).

☐ Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER: \_\_\_\_\_

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

60 months on Count I \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
\_\_\_\_\_ months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

Actual number of months of total confinement ordered is: 60 months (total time including  
(Add mandatory firearm and deadly weapons enhancement time to run consecutively to other counts, see Section  
2.3, Sentencing Data, above.) community custody

☐ The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_ cannot exceed 60 mos

Concurrent w/ cause 09-1-995-7.  
NON-FELONY COUNTS:

Sentence on counts \_\_\_\_\_ is/are suspended for \_\_\_\_\_  
months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_  
\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_.

4.6 ☒ **COMMUNITY CUSTODY** is ordered as follows:

Count I for a range from 9 to 18 months; (total confinement  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months; + com. custody  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months; can not  
exceed  
60 mos.

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] **STATUTORY LIMIT ON SENTENCE.** Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

Pay all court-ordered legal financial obligations

Report as directed to a community corrections officer

Notify the community corrections officer in advance of any change in defendant's address or employment

Remain within prescribed geographical boundaries to be set by CCO

[ ] The defendant shall not consume any alcohol and shall submit to random breath testing as directed by DOC for purposes of monitoring compliance with this condition.

☒ Defendant shall have no contact with: Amber D. Beasley except as stated in section 4.3 of this document

[ ] The defendant shall undergo evaluation and fully comply with all recommended treatment for the following:

☐ Substance Abuse

☐ Mental Health

☐ Sexual Deviancy

☐ Anger Management

☐ Other: \_\_\_\_\_

☒ The defendant shall enter into and complete a certified domestic violence program as required by DOC or as follows: \_\_\_\_\_

☐ The defendant shall not use, possess, manufacture or deliver controlled substances without a valid prescription, not associate with those who use, sell, possess, or manufacture controlled substances and submit to random urinalysis at the direction of his/her CCO to monitor compliance with this condition.

☐ The defendant shall comply with the following additional crime-related prohibitions: \_\_\_\_\_

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: \_\_\_\_\_

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: \_\_\_\_\_

4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_

## V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING.**

☐ Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

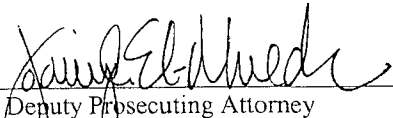
5.7 ☐ The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

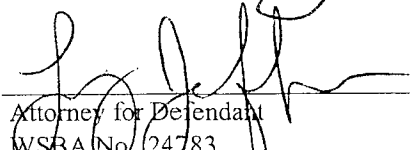
5.8 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.9 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 11/13/09

  
Judge/Print name: Christine A. Pomeroy

  
Deputy Prosecuting Attorney  
WSBA No. 25120  
Print name: JODILYN ERIKSON-  
MULDREW

  
Attorney for Defendant  
WSBA No. 24783  
Print name: LARRY JEFFERSON

**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: Caron L.



I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.  
Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

### IDENTIFICATION OF DEFENDANT

SID No. WA18694872  
(If no SID take fingerprint card for State Patrol)

Date of Birth 02/23/1980

FBI No. 921807HB6

Local ID No. \_\_\_\_\_

PCN No. 767007795

Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**

☐ Asian/Pacific  
Islander

☐ Black/African-American

☒ Caucasian

**Ethnicity:**

☐ Hispanic

**Sex:**

☒ Male

☐ Native American

☐ Other: \_\_\_\_\_

☒ Non-Hispanic

☐ Female

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, [Signature] Dated: 11/13/09

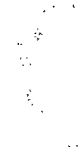
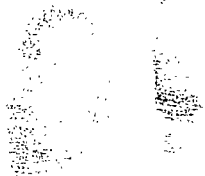
**DEFENDANT'S SIGNATURE:** [Signature]

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 09-1-01372-5

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO  
JUDGMENT AND SENTENCE (PRISON)

AARON JAY GREEN,

Defendant.

DOB: 02/23/1980  
SID: WA18694872 FBI: 921807HB6  
PCN: 767007795  
RACE: W  
SEX: M  
BOOKING NO: C0158985

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant AARON JAY GREEN has been convicted in the Superior Court of the State of Washington for the crime(s) of:

**FELONY VIOLATION OF POST CONVICTION NO CONTACT ORDER/DOMESTIC VIOLENCE**

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

**Christine A. Pomeroy**  
BETTY J. GOULD

CLERK

By: 

DEPUTY CLERK

'09 AUG 11 P2:25

BETTY J. GOULD CLERK

BY \_\_\_\_\_ DEPUTY

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

AARON JAY GREEN,

Defendant.

No. 09-1-00995-7

**FELONY JUDGMENT AND SENTENCE (FJS)**

Special Drug Offender Sentencing Alternative  
**DOSA**

SID: WA18694872

If no SID, use DOB: 02/23/1980

PCN: 767001487 BOOKING NO.

**I. HEARING**

1.1 A sentencing hearing was held on August 11, 2009 and the defendant, the defendant's lawyer and the deputy prosecuting attorney were present.

**II. FINDINGS**

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on August 11, 2009  
by ☒ plea ☐ jury-verdict ☐ bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009
II	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009
III	VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY)	26.50.110(5), 10.99.020	FEBRUARY 12, 2009

as charged in the FIRST AMENDED information.

☐ Additional current offenses are attached in Appendix 2.1.

☐ A special verdict/finding for **Violation of the Uniform Controlled Substances Act** was returned on  
Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within  
1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school

district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.

☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers. **when a juvenile was present in or upon the premises of manufacture** was returned on Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.

☒ The court finds that the offender has a **chemical dependency** that has contributed to the offense(s).  
RCW 9.94A.607.

☒ The crime charged in Count(s) I, II, III involve(s) **domestic violence**.

☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

None of the current offenses constitute the same criminal conduct.

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	CRIME DATE	SENTENCE DATE	COURT OF SENTENCE	ADULT or JUVENILE	CRIME TYPE
Malicious Mischief 2 <sup>nd</sup> Degree	08/24/97	11/04/97	Clark Co., WA	Juvenile	NV
Malicious Mischief 2 <sup>nd</sup> Degree	06/24/98	08/17/98	Clark Co., WA	Adult	NV
Theft 1 <sup>st</sup> Degree	12/26/00	03/19/01	Clark Co., WA	Adult	NV
UPOCS – Methamphetamine	04/08/02	01/17/03	Clark Co., WA	Adult	NV
Bail Jumping	08/23/02	01/17/03	Clark Co., WA	Adult	NV
Possession of Stolen Property 2 <sup>nd</sup> Degree	09/28/04	09/28/04	Clark Co., WA	Adult	NV
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Domestic Violence Court Order Violation	06/04/06	06/21/06	Clark Co., WA	Adult	DV/GM
Assault 3 <sup>rd</sup> Degree	12/07/08	2/11/09	Thurston Co., WA	Adult	DV

☐ Additional criminal history is attached in Appendix 2.2.

☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525

None of the above prior convictions constitute the same criminal conduct except \_\_\_\_\_

☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

## 2.3 SENTENCING DATA:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE	ENHANCEMENTS*	TOTAL STANDARD RANGE	MAXIMUM TERM
I	8	V	60 mos.	n/a	60 mos.	5yr
II	8	V	60 mos.	n/a	60 mos.	5yr
III	8	V	60 mos.	n/a	60 mos.	5yr

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present. [ ] Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

[ ] The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

### III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 [ ] The court DISMISSES Counts \_\_\_\_\_.

3.3 [ ] The defendant is found NOT GUILTY of Counts \_\_\_\_\_.

### IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

*RTN/RJN* \$ RESERVED Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided  
confidentially to Clerk of the Court's office.)

*PCV* \$ 500.00 Victim assessment RCW 7.68.035

\$ 100.00 Domestic Violence assessment RCW 10.99.080

*CRC* \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200.00 FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

*PUB* \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760

*WFR* \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

*FCM/MTH* \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine  
deferred due to indigency RCW 69.50.430

*CDF/LDI/FCD* \$ \_\_\_\_\_ Drug enforcement fund of Thurston County RCW 9.94A.760

*NTF/SAD/SDI*

\$ \_\_\_\_\_ Thurston County Drug Court Fund

*CLF* \$ \_\_\_\_\_ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

\$ \_\_\_\_\_ Other costs for: \_\_\_\_\_  
\$ 900.00 TOTAL RCW 9.94A.760

The above total may not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing may be set by the prosecutor or is scheduled for \_\_\_\_\_.

☐ RESTITUTION. Schedule attached.

☐ Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant	CAUSE NUMBER	(Victim's name)	(Amount-

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ \_\_\_\_\_ per month commencing \_\_\_\_\_ RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

☐ In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_ (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☐ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with Amber D. Beasley (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 5 years (not to exceed the maximum statutory sentence).

☒ Domestic Violence No-Contact Order or Antiharassment No-Contact Order is filed with this Judgment and Sentence.

4.4 OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4.5 **SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE.** RCW 9.94A.660. The court finds that the defendant is a drug offender who is eligible for the special sentencing alternative and the court has determined that the special drug offender sentencing alternative is appropriate. The court waives imposition of a sentence within the standard range and imposes the following sentence:

(1) **CONFINEMENT.** Defendant is sentenced to the following term(s) of total confinement in the custody of the Department of Corrections (DOC) (half of the midpoint of the standard range):

Count	<u>I</u>	for a term of	<u>30</u>	months;
Count	<u>II</u>	for a term of	<u>30</u>	months;
Count	<u>III</u>	for a term of	<u>30</u>	months;
Count		for a term of		months;

30 months of total confinement in the custody of DOC.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

Work release is authorized, if eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release status. RCW 9.94A.731.

The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_

(2) **COMMUNITY CUSTODY.** Defendant shall serve the following term(s) of community custody (the remainder of the midpoint of the standard range):

Count	<u>I</u>	for a term of	<u>30</u>	months;
Count	<u>II</u>	for a term of	<u>30</u>	months;
Count	<u>III</u>	for a term of	<u>30</u>	months;
Count		for a term of		months;

The defendant shall comply with the community custody conditions in paragraph 4.6.

4.6 ☒ **COMMUNITY CUSTODY CONDITIONS** (RCW 9.94A.660):

Defendant shall report to the Department of Corrections, 715 8<sup>th</sup> Ave SE, Olympia, WA 98504 (360-586-0917) not later than 72 hours after sentencing or release from custody and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community custody, shall perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, shall not use illegal controlled substances and shall comply with any other conditions of community custody stated in this Judgment and Sentence or other conditions that may be imposed by the court or DOC during community custody:

- (a) Undergo and successfully complete a substance abuse treatment program approved by the division of alcohol and substance abuse of the Department of Social and Health Services.
- (b) Undergo urinalysis or other testing to monitor drug-free status. The defendant shall pay the statutory rate to DOC, while on community custody, to offset the cost of urinalysis. Defendant shall not associate with those who use, possess, deliver or manufacture controlled substances.
- (c) Defendant shall not consume alcohol and shall submit to random breath testing at the direction of a CCO to monitor compliance with this condition.
- (d) Additional conditions as required by DOC:

Pay all court-ordered legal financial obligations

Report as directed to a community corrections officer

Notify the court or community corrections officer in advance of any change in defendant's address or employment

Perform community restitution (service) work  
Devote time to specific employment or training

Remain within or outside of prescribed geographical boundaries

Stay out of areas designated by the judge

Other Conditions: \_\_\_\_\_

4.7 (a) **ADDITIONAL CONFINEMENT UPON VIOLATION OF SENTENCE CONDITIONS.** If the defendant violates any of the sentence conditions in Section 4.6 above, or, for offenses committed on or after June 8, 2000, is found by the United States attorney general to be subject to a deportation order, a violation hearing shall be held by the department, unless waived by the offender. If the department finds that the conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. For offenses committed on or after June 8, 2000, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence. An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of the sentence as ordered by the sentencing judge and shall be subject to all rules relating to community custody and earned release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of the sentence, the offender shall be subject to all rules relating to earned release time. RCW 9.94A.660.

(b) **CONFINEMENT ORDERED AT THE TREATMENT TERMINATION HEARING** (effective for sentences imposed on or after October 1, 2005). At the treatment termination hearing, the court may impose a term of total confinement equal to one-half of the midpoint of the standard sentence range. Confinement imposed at the hearing shall be followed by the term of community custody in paragraph 4.8. Within available funding, DOC shall make chemical dependency assessment and treatment services available to the defendant during the terms of total confinement and community custody.

4.8 **ADDITIONAL TERM OF COMMUNITY CUSTODY UPON FAILURE TO COMPLETE OR TERMINATION FROM ALTERNATIVE PROGRAM.** (a) For offenses committed on or after June 8, 2000, the following term of community custody is ordered and shall be imposed upon the defendant's failure to complete or defendant's administrative termination from the special drug offender sentencing alternative program (b) (effective for sentences imposed on or after October 1, 2005) For a defendant sentenced under the residential chemical dependency treatment-based alternative, the following term of community custody is ordered after the term of total confinement imposed at the treatment termination hearing.

Defendant shall serve community custody as follows:

Count <u>I</u>	for a range from	<u>9</u>	to	<u>18</u>	months;
Count <u>II</u>	for a range from	<u>9</u>	to	<u>18</u>	months;
Count <u>III</u>	for a range from	<u>9</u>	to	<u>18</u>	months;
Count	for a range from		to		months;

While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community custody. In addition, the defendant shall:

- Pay all court-ordered legal financial obligations
- Report as directed to a community corrections officer
- Notify the community corrections officer in
- Remain within prescribed geographical boundaries to



advance of any change in defendant's address or  
employment

be set by CCO

☒ The defendant shall not consume any alcohol and shall submit to random breath testing as directed by DOC for purposes of monitoring compliance with this condition.

☐ Defendant shall have no contact with: \_\_\_\_\_

☒ The defendant shall undergo evaluation and fully comply with all recommended treatment for the following:

☒ Substance Abuse

☐ Mental Health

☐ Sexual Deviancy

☐ Anger Management

☐ Other: \_\_\_\_\_

☒ The defendant shall enter into and complete a certified domestic violence program as required by DOC or as follows: \_\_\_\_\_

☒ The defendant shall not use, possess, manufacture or deliver controlled substances without a valid prescription, not associate with those who use, sell, possess, or manufacture controlled substances and submit to random urinalysis at the direction of his/her CCO to monitor compliance with this condition.

☐ The defendant shall comply with the following additional crime-related prohibitions: \_\_\_\_\_

Other conditions may be imposed by the court or DOC during community custody, or are set forth here: \_\_\_\_\_

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: \_\_\_\_\_

## V. NOTICES AND SIGNATURES

**5.1 COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

**5.2 LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

**5.3 NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 **RESTITUTION HEARING**

[ ] Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.

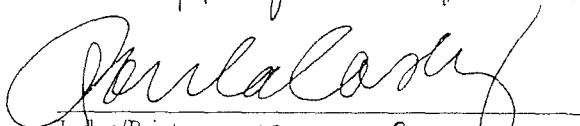
5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

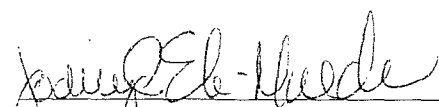
5.7 [ ] The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

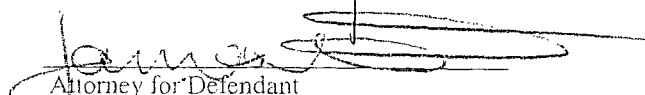
5.8 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.9 Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: August 11, 2009

  
Judge/Print name: Paula Casey

  
Deputy Prosecuting Attorney  
WSBA No. 25120  
Print name: JODILYN ERIKSON-  
MULDREW

  
Attorney for Defendant  
WSBA No. 18174  
Print name: JAMES SHACKLETON

**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: 

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.  
Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_.

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

#### IDENTIFICATION OF DEFENDANT

SID No. WA18694872

(If no SID take fingerprint card for State Patrol)

Date of Birth 02/23/1980

FBI No. 921807HB6

Local ID No. \_\_\_\_\_

PCN No. 767001487

Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**

☐ Asian/Pacific  
Islander

☐ Black/African-American

☒ Caucasian

**Ethnicity:**

☐ Hispanic

**Sex:**

☒ Male

☐ Native American

☐ Other: \_\_\_\_\_

☐ Non-Hispanic

☐ Female

**FINGERPRINTS:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, John Scott Dated: 08-11-09

**DEFENDANT'S SIGNATURE:** Caron H

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 09-1-00995-7

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT  
TO JUDGMENT AND SENTENCE (PRISON)

AARON JAY GREEN,

Defendant.

DOB: 02/23/1980  
SID: WA18694872 FBI: 921807HB6  
PCN: 767001487  
RACE: W  
SEX: M  
BOOKING NO:

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant AARON JAY GREEN has been convicted in the Superior Court of the State of Washington for the crime(s) of:

VIOLATION OF POST CONVICTION NO CONTACT ORDER/DV (FELONY) (3 CNTS.)

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

*PAULA CASEY*

BETTY J. GOULD  
CLERK

By: *Jodi Scott*  
DEPUTY CLERK

## **ATTACHMENT # 2**



1

2 **RELIEF REQUESTED**

3 The defendant requests that his first imposed sentence cause number 09-1-00995-7 to  
4 which he was sentenced to the Drug Offender Sentencing Alternative (D.O.S.A) be  
5 administratively terminated based on a later imposed sentence see cause number 09-1-  
6 01372-5 that is ultimately creating a "hybrid" sentence exceeding the length of the first  
7 sentence by at least 24 months, when in fact the sentences were imposed concurrently which  
8 set forth the basis for the defendants request for administrative termination of his D.O.S.A.  
9 sentence.

10 **ANALYSIS**

11 Under this current sentencing scenario:

12 The first half of Green's DOSA sentence (30 months) runs concurrently with his  
13 60-month, non-DOSA sentence. At the end of the 30-months however, Green  
14 will remain in confinement to finish the rest of his 60 month, non-DOSA sentence.  
15 After he completes the non-DOSA sentence, he then begins to serve the rest of  
16 his DOSA sentence in community custody.

17 In State v. Smith, 142 Wn. App. 122, 173 P .3d 973 (2007) in our Division I The Court  
18 of Appeals reversed Smith's sentence, holding it constituted a part concurrent, part  
19 consecutive "hybrid sentence" in violation of RCW 9.94A.589 (3) the court went on to state that  
20 the court was not required to impose concurrent sentences for both cause numbers, however  
21 noting that whether to impose a DOSA is a discretionary decision for the trial court.

22 **ARGUMENT**

23 Defendant argues that his sentence is a "hybrid" because the first half of his DOSA  
24 sentence runs concurrently with a non-DOSA sentence, but the community custody portions of  
25 his DOSA sentence run consecutively to his non-DOSA sentence. Thus under RCW  
9.94A.589 (3), a sentence must either be concurrent with another sentence or consecutive to

1 it. The statute does not authorize a hybrid model, where a sentence is concurrent in part and  
2 consecutive in part. See State v. Grayson, 130 Wn. App. 782, 783, 125 P.3d 169 (2005).

3 The defendant's judgment and sentence under cause number 08-1-02226-2 requires  
4 the defendant to also complete Both State Certified Domestic Violence and State Certified  
5 Chemical Dependency Treatment classes approved by the division of alcohol and substance  
6 abuse of the Department of Social and Health Services pursuant to RCW 9.94A.660(5)(b),  
7 thus satisfying both requirements of the judgment and sentences.

### 8 AUTHORITY

9 Pursuant to RCW 9.94A.660 (5) provides in part: The Court or the Department of  
10 Corrections may for good cause administratively terminate any and all portions of an imposed  
11 D.O.S.A. sentence. If terminated the offender shall be reclassified to serve the unexpired term  
12 of the sentence. "If an offender is reclassified to serve the unexpired term of his or her  
13 sentence, the offender shall be subject to all rules relating to earned release time". See RCW  
14 9.94A.715.

### 15 CONCLUSION

16 The defendant has set forth sufficient grounds for this Court to grant the defendant's  
17 motion, in the interests of justice and in the judicial economical interests of the State of  
18 Washington, therefore for the reasons set forth above, this Court should terminate the  
19 defendant's DOSA sentence. In the alternative this Court should remand and resentence the  
20 defendant to concurrent DOSA sentences for both cause numbers.

21 Dated this 5<sup>th</sup> day of July, 2010

22 \_\_\_\_\_  
23 AARON GREEN  
24 DOC #785636 C-208B  
25 MCC/MSU  
PO BOX 7001  
MONROE, WA 98272



# **ATTACHMENT # 3**

# THURSTON COUNTY SUPERIOR COURT

THURSDAY, JULY 22, 2010  
CRIMINAL MISCELLANEOUS MOTION CALENDAR, 9:00 A.M.

JUDGE GARY R. TABOR  
DOUG BALES, CLERK  
CHERI DAVIDSON, COURT REPORTER  
ANDREW TOYNBEE, CALENDAR PROSECUTOR

Underlined Parties Present at Hearing

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09-1-00995-7

STATE OF WASHINGTON  
VS  
GREEN, AARON JAY

DAVIS, GWENDOLYN

SHACKLETON, JAMES TIMOTHY

20.

TERMINATION OF DOSA

Ms. Davis addressed the Court,

The Court denied the defendant's motion. The Court will sign an order when presented.

SCANNED